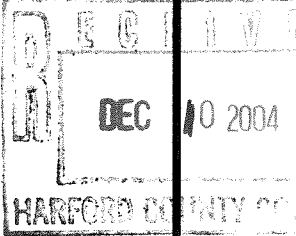


STANDARD APPLICATION
Harford County
Board of Appeals
 Bel Air, Maryland 21014



Case No. 5464
 Date Filed 12/07/04
 Hearing Date _____
 Receipt _____
 Fee \$450

Shaded Areas for Office Use Only

Type of Application	Nature of Request and Section(s) of Code
<input type="checkbox"/> Administrative Decision/Interpretation	CASE <u>5464</u> MAP <u>47</u> TYPE <u>Variance</u>
<input type="checkbox"/> Special Exception	ELECTION DISTRICT <u>03</u> LOCATION <u>1701 Bordeaux Ct. Fallston</u>
<input type="checkbox"/> Use Variance	BY <u>Vance & Christine Hobbs</u>
<input type="checkbox"/> Change/Extension of Non-Conforming Use	Appealed because <u>a variance pursuant to 267-23B(2) to allow an addition to main-</u>
<input type="checkbox"/> Minor Area Variance	<u>tain an average side yard with the width at one point being less than one half the required</u>
<input checked="" type="checkbox"/> Area Variance	<u>15' setback (3.3' proposed) and Sec. 267-35B, Table III to allow an average</u>
<input type="checkbox"/> Variance from Requirements of the Code	<u>side yard less than the required 15' setback (9.1' proposed) in the RR district requires</u>
<input type="checkbox"/> Zoning Map/Drafting Correction	<u>approval by the Board.</u>

NOTE: A pre-conference is required for property within the NRD/Critical Area or requests for an Integrated Community Shopping Center, a Planned Residential Development, mobile home park and Special Exceptions.

Applicant/Owner (please print or type)

Name Vance Gregory Hobbs Phone Number 410-877-7643

Address 1701 Bordeaux Court Fallston MD 21047
Street Number Street City State Zip Code

Co-Applicant Christine Marie Hobbs Phone Number 410-877-7643

Address 1701 Bordeaux Court Fallston MD 21047
Street Number Street City State Zip Code

Contract Purchaser N/A Phone Number _____

Address _____
Street Number Street City State Zip Code

Attorney/Representative N/A Phone Number _____

Address _____
Street Number Street City State Zip Code

Land Description

Address and Location of Property 1701 Bordeaux Court Fallston, Maryland 21047

Subdivision Brandywine Farms

Lot Number 76

Acreage/Lot Size 1.11

Election District 03-06

Zoning RR

Tax Map No. 0047

Grid No. 0003E

Parcel 0465

Water/Sewer: Private ☒

Public ☐

List ALL structures on property and current use: House - Primary Residence

Estimated time required to present case: 1 Hour

If this Appeal is in reference to a Building Permit, state number 2004215B0120

Would approval of this petition violate the covenants and restrictions for your property? No

Is this property located within the County's Chesapeake Bay Critical Area? Yes ☐ No ☒

If so, what is the Critical Area Land Use designations: _____

Is this request the result of a zoning enforcement investigation? Yes ☒ No ☐

Is this request within one (1) mile of any incorporated town limits? Yes ☐ No ☒

Request

See attached documentation

Justification

See attached documentation

If additional space is needed, attach sheet to application. In answering the above questions, please refer to the Requirements that pertain to the type of approval request. (Special Exception, Variance, Critical Area or Natural Resource District (NRD) Variance, etc.)

Request and Justification

Background

This application for zoning variance is being made, as the addition to 1701 Bordeaux Court, Fallston, Maryland is approximately 80% complete due to the following special circumstances. Since purchasing the home at 1701 Bordeaux Court in 1998 we had been planning to add an addition. After 6 years of planning and the addition of two children we made the decision to move forward. We hired David M. Cross, A.I.B.D. to design the addition for 1701 Bordeaux Court. At our first meeting we were asked for the plat of our land. We provided what was given to us at our settlement by the original owners of the home, who had the home built (See Plat Attachment 1). As you can see by the attached plat, it has a seal and signature on it. In good faith we took this plat to be correct and true. Mr. Cross did not question what he received either. At a subsequent meeting Mr. Cross took a number of interior measurements and exterior measurements with photographs to begin designing the project. At that particular date in March 2004 Mr. Cross had approximately 200 projects in his pipeline. Mr. Cross came highly recommended through an architect located in Bel Air and several Harford County Builders. Through the weeks that followed we reviewed several plans and made subsequent changes. On many occasions we questioned Mr. Cross as to whether the addition would fit on our lot. He assured us every time there were no problems. As well I faxed the plat and addition dimensions to a friend at Fred Ward Associates, he also confirmed that we were in compliance. I phoned the Harford County Zoning office on two occasions to obtain all the set back information. We were told that our lot required a 15-foot set back, and that the set back could be averaged. Therefore, we could be as close to 7.5" feet off the front corner of the addition, which would require 22.5 feet of the back corner. There is line of pine trees approximately 25feet in height, and split rail fence along our property line with the adjacent property owners. The front of our pie shaped lot is down a significant hill and the back of the lot is approximately 237 feet from that point. Therefore line of site is difficult to establish. Two separate professionals assured us that what we were doing complied with county requirements.

We made application for our building permit on August 4, 2204 and were issued our building permit on August 20, 2004 (See Attachment 2). All the information we provided to Harford County was provided in good faith. During one of the building inspections an inspector thought, "something didn't look right". It was at this point that an officer from the zoning office came to our property. They could not determine that we were not meeting the county requirements and asked us, at our expense to have the property resurveyed with a location survey and submit to their office (see attachment 3) We complied. Upon receipt of the location survey it was determined that we were not meeting our setback. During a meeting with Nancy Lipski, Anthony McClune, Dennis Sigler and Tommie Houck on November 3rd we received all the pertinent information required to submit this application. As a result of the meeting on November 3rd we were told that the Harford County Department of Planning and Zoning was recommending in favor of us to receive the variance.

We have spent six years planning for the needs of this addition. We have taken particular interest in designing the addition so that it will integrate with the current dwelling, blend with the existing landscape, and improve the structures appearance by using the highest quality building materials and finishes. We hired a professional to design the addition. We were given

information by the original owners and in good faith used this as a basis for the addition dimensions. The addition sits back from the original dwelling by design so as to not negatively affect the adjacent property owner's line of site. There is a natural buffer of pine trees that the adjacent property owner installed which completely conceals the addition from their site and we have taken care to maintain them.

We are requesting approval of a zoning Variance; (1) By reason of the uniqueness of the property or topographical conditions, the literal enforcement for the Code would result in practical difficulty or unreasonable hardship; and (2) The variance will not be substantially detrimental to adjacent properties, or will not materially impair the purpose of this Code or the public interest.

Purpose of Addition

The purpose of the addition is to provide for increased living space and improved garage space for storage of vehicles, lawn, garden, and pool equipment, while maintaining the architecture and rancher classification of the current dwelling.

Justification

Uniqueness of the Property and Topographical Conditions

Uniqueness of the property does not make it practicable for the addition to be constructed at alternate locations on the property. The property is pie shape providing limited driveway access to Bordeaux Court. In addition, access to the southern side of the property is not attainable due to the location of the dwellings septic tank and drain field thus further restricting the placement of the proposed addition to the northern side of the property. The level topography of the property to the north side of the dwelling makes the addition more practicable. The steep slopes of the topography on the southern side of the property would require large amounts of fill material to allow for any new construction to blend with the current architecture and landscape of the residence. In some areas fill quantities in excess of 12 feet in height would be required to level the property. Such quantities would require the construction of substantial retaining structures to hold the fill on the property, and would require the creation of steep slopes to retain grade with the adjacent residence. These options would have adverse effects on esthetics of the residence, would cause significant changes drainage patterns to down slope residences, and require the removal of established trees. In addition the filling of the southern side of the property would require the removal of walk out basement access from the dwelling, which is a significant safety concern. The east side of the dwelling is restricted by an in-ground-pool and drinking well making the use of these areas limited and impracticable.

Not detrimental to Adjacent Properties

The addition to the dwelling was designed to set back from the original structure. The set back design was deliberately put into place to mitigate any impacts to adjacent properties by taking advantage of the existing natural buffer of pine trees. In addition, the offset was designed to maintain the new structure within the boundaries of the unique pie shape of the lot. The original Dwelling had approximately 1470 sq. ft. of living space. The addition converts the old

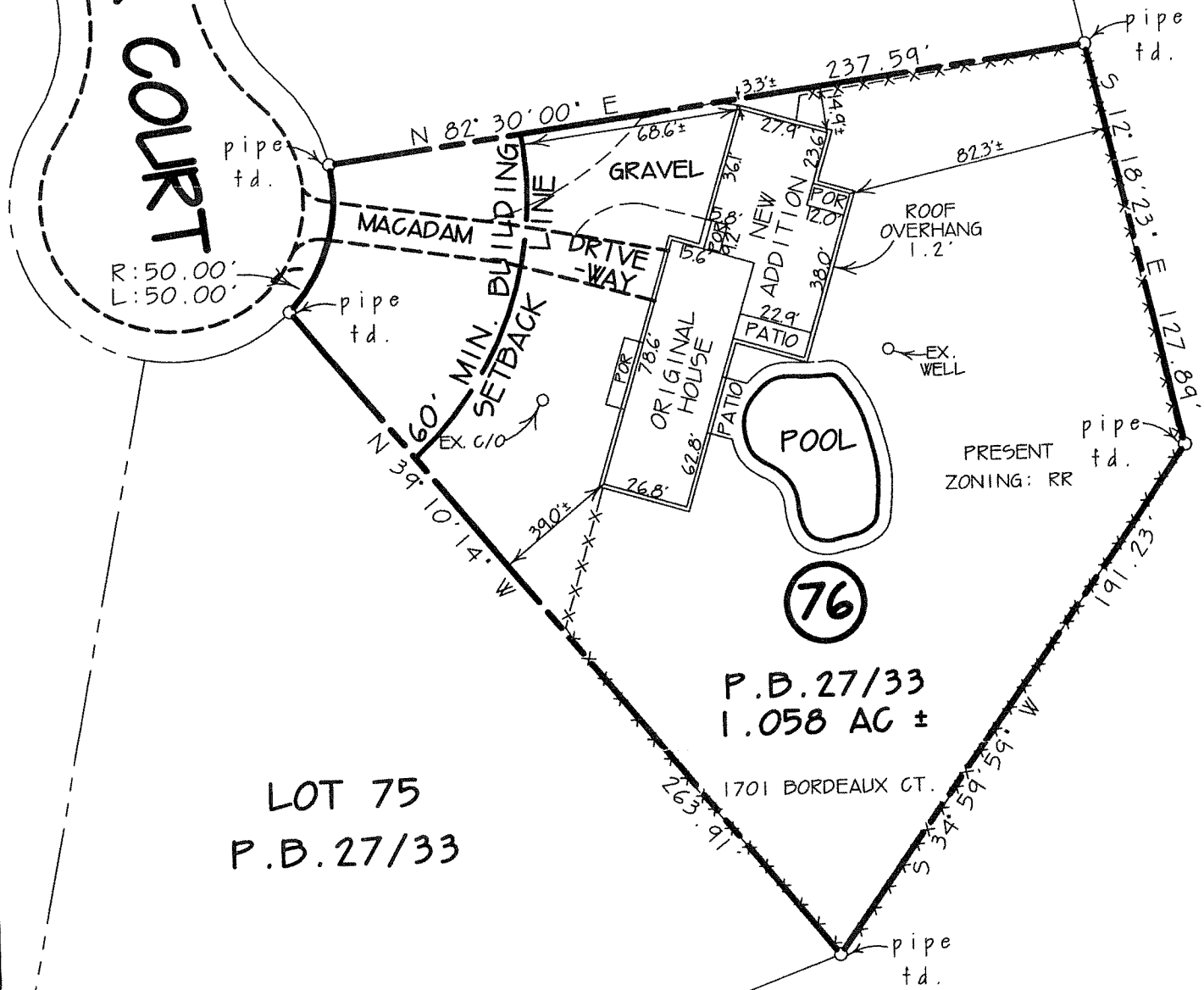
garage and laundry space of 558 sq. ft. to living space and adds an additional 1027 of living space. The total square footage of the completed house will more closely relate to the average home size in Brandywine Farms. This will have a positive affect by increasing property values to all adjacent properties. Please see (attachment 4) with signatures from all adjacent property owners stating that they support the zoning variance and that the variance will have no adverse affects to their property.

Attachment 3

LOT 78
P.B. 27/33

LOT 77
P.B. 27/33

BORDEAUX COURT



LOT 75
P.B. 27/33

P.B. 27/33
1.058 AC ±

1701 BORDEAUX CT.

DATE	10-19-04
SCALE	1" = 50'
DRAWN	FSR/CADD
NO	74061

HIGHLAND SURVEY
ASSOCIATES, INC.

4501 FAWN GROVE ROAD
STREET, MARYLAND 21154

410-836-1238

SITE DRAWING

#1701 BORDEAUX COURT

LOT 76 P.B. 27/33

THIRD ELECTION DISTRICT
HARFORD COUNTY, MARYLAND

JAMES M. HARKINS
HARFORD COUNTY EXECUTIVE

JOHN J. O'NEILL, JR.
DIRECTOR OF ADMINISTRATION



J. STEVEN KAH-ZIEGLER
DIRECTOR OF PLANNING & ZONING

HARFORD COUNTY GOVERNMENT

Department of Planning and Zoning

January 5, 2005

STAFF REPORT

BOARD OF APPEALS CASE NO. 5464

APPLICANT/OWNER: Vance Gregory Hobbs
1701 Bordeaux Court, Fallston, Maryland 21047

Co-APPLICANT/OWNER: Christine Marie Hobbs
1701 Bordeaux Court, Fallston, Maryland 21047

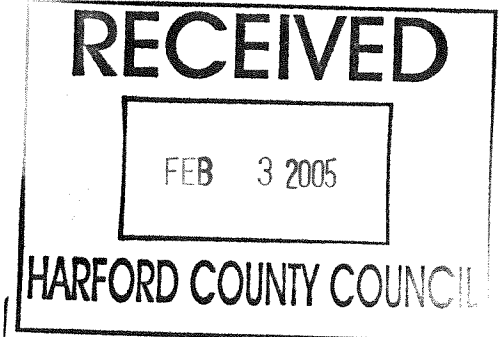
LOCATION: 1701 Bordeaux Court / Brandywine Farms
Tax Map: 47 / Grid: 3E / Parcel: 0465 / Lot: 76
Election District: Third (3)

ACREAGE: 1.11 acres

ZONING: RR/Rural Residential

DATE FILED: December 07, 2004

HEARING DATE: February 28, 2005



APPLICANT'S REQUEST and JUSTIFICATION:

See ATTACHMENT 1.

CODE REQUIREMENTS:

The Applicants are requesting a variance pursuant to Section 267-23B(2) of the Harford County Code to allow an addition to maintain an average side yard with the width at one point being less than one half the required 15-foot setback (3.3-feet proposed) and Section 267-35B, Table III of

Preserving our values, protecting our future

STAFF REPORT

Board of Appeals Case Number 5464

Vance & Christine Hobbs

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the Harford County Code to allow an average side yard less than the required 15-foot setback (9.1-feet proposed) in the RR/Rural Residential District.

Section 267-23B (2) of the Harford County Code reads:

(2) Average side yard. The side yard width may be varied where the sidewall of a structure is not parallel with the side lot line. In such case, the average width of the side yard shall not be less than the otherwise-required minimum width; provided, however, that such side yard shall not be narrower at any point than one-half (1/2) the other wise-required minimum width or narrower than three (3) feet in all cases, except lot-line dwellings. Any minor offset, broken or irregular part of a structure, which is not in the same vertical plane as the portion of the sidewall of the structure nearest to the side lot line shall not be included in the computation of the average side yard width.

Enclosed with the report is a copy of section 267-23B (2) (Attachment 2).

Enclosed with the report is a copy of Section 267-35B, Table III of the Harford County Code (Attachment 3).

LAND USE and ZONING ANALYSIS:

Land Use – Master Plan:

The Applicants property is located west of Fallston Road (MD 152) in the development of Brandywine Farms. The lot is situated on the east side of Bordeaux Court at the end of the cul de sac. A location map and a copy of the Applicants' site plan are enclosed with the report (Attachments 4 and 5).

The subject property is located outside of the Development Envelope. The predominant land use designations in this area of the County are Agricultural and Rural Residential. This property is located within the Rural Residential designation, which is defined by the 2004 Master Plan as:

Rural Residential – Areas of focused rural development within the agricultural area, which allow low intensity residential opportunities while maintaining the character of the surrounding countryside. Water and sewer services are not planned for these areas. Residential density is limited to 1.0 dwelling unit per 2 acres.

Enclosed with the report are copies of portions of the 2004 Land Use Map and the Natural Features Map (Attachments 6 and 7).

Land Use – Existing:

The existing land uses in this area of the County are consistent with the 2004 Master Plan. The predominant land uses include Agricultural and residential. There are schools, a library, parks

STAFF REPORT

Board of Appeals Case Number 5464

Vance & Christine Hobbs

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and churches in the area. Enclosed with the report is a copy of the aerial photograph (Attachment 8).

The subject property is located at the end of Bordeaux Court. The lot is an unusually shaped lot situated at the end of the cul-de-sac. The property is a fairly large pie shaped lot. Due to the narrow frontage and the topography, the dwelling was located to the center of the lot. The lot slopes up from the road. The rear yard is more level with only slightly rolling topography. The lot is bordered on three sides by very tall trees. The improvements consist of a one story dwelling. The original garage has now been converted to living space with the addition of an enclosed breezeway and a 3-car garage on the left side of the dwelling. In addition there are two room additions off of the rear of the dwelling. Located to the rear of the dwelling is an in-ground pool. The rear yard is enclosed with a split rail fence. Enclosed with the report is a topographic map of the area, site photographs and an enlargement of the aerial photograph (Attachments 9, 10 and 11).

Zoning:

The zoning classifications in the area are consistent with intent of the 2004 Master Plan as well as the existing land uses. The predominant zoning classifications in this area are AG/Agricultural and RR/Rural Residential. The subject property is zoned RR/Rural Residential as shown on the enclosed copy of the zoning map (Attachment 12).

SUMMARY:

The Applicants are requesting a variance pursuant to Section 267-23B(2) of the Harford County Code to allow an addition to maintain an average side yard with the width at one point being less than one half the required 15-foot setback (3.3-feet proposed) and Section 267-35B, Table III of the Harford County Code to allow an average side yard less than the required 15-foot setback (9.1-feet proposed) in the RR/Rural Residential District.

Variances of this nature may be approved by the Board of Appeals pursuant to Section 267-11 of the Harford County Code, provided it finds by reason of the uniqueness of the property or topographical conditions that literal enforcement of the Code would result in practical difficulty and undue hardship. Further, the applicant must show that the request will not be substantially detrimental to adjacent properties or will not materially impair the purpose of the Code or the public interest.

The Department finds that the subject property is unique based on its shape and topography. The dwelling was placed in the middle of the lot because of the topography. There is a walkout basement located to the south side of the dwelling. The septic system is located to the front and there is a in-ground pool and well located to the rear. Therefore, the proposed location is the only practical area for the addition. The reduced setback is not easily noticeable because of the change in elevation between the subject property and the adjacent lot.

STAFF REPORT

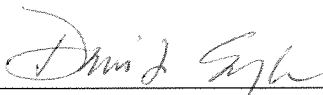
Board of Appeals Case Number 5464

Vance & Christine Hobbs

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RECOMMENDATION and or SUGGESTED CONDITIONS:

The Department of Planning and Zoning recommends that the request be approved subject to the applicant amending the existing permit to reflect the actual location of the addition.



Dennis J. Sigler, Coordinator
Zoning & Board of Appeals Review

DJS/ASM/jf



Anthony S. McClune, AICP
Deputy Director, Planning and Zoning